

# Exhibit

28

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

NATIONWIDE LIFE INSURANCE COMPANY,  
a foreign corporation,

Plaintiff,

Civil Action  
No. 2:11-cv-12422-AC-MKM

Honorable Avern Cohn

vs.

WILLIAM KEENE, JENNIFER KEENE,  
MONICA LYNN LUPILOFF, NICOLE RENEE  
LUPILOFF, and NICOLE RENEE LUPILOFF,  
PERSONAL REPRESENTATIVE OF THE  
ESTATE OF GARY LUPILOFF, Deceased,

Defendants.

---

Michael F. Schmidt (P25213)  
Harvey, Kruse, P.C.  
Attorney for Plaintiff  
1050 Wilshire Drive, Suite 320  
Troy, Michigan 48084  
Telephone: (248) 649-7800

Albert L. Holtz (P15088)  
Albert L. Holtz, P.C.  
Attorney for Monica Lupiloff, Nicole Lupiloff  
and Nicole Lupiloff, Personal Representative of  
the Estate of Gary Lupiloff, Deceased  
3910 Telegraph Road, Suite 200  
Bloomfield Hills, Michigan 48146

John H. Bredell (P36577)  
Bredell & Bredell  
Attorney for Defendants,  
William and Jennifer Keene  
119 N. Huron Street  
Ypsilanti, Michigan 48197  
Telephone: (734) 482-5000

Geoffrey N. Fieger (P30441)  
Jeffrey A. Danzig (P36571)  
Fieger, Fieger, Kenney & Giroux, P.C.  
Co-Counsel for Monica Lupiloff,  
Nicole Lupiloff and Nicole Lupiloff,  
Personal Representative of the Estate of  
Gary Lupiloff, Deceased  
19390 West Ten Mile Road  
Southfield, Michigan 48075  
Telephone: (248) 355-5555

**DEFENDANTS SUPPLEMENTAL ANSWERS TO INTERROGATORIES TO  
PLAINTIFF NATIONWIDE LIFE INSURANCE COMPANY**

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**NOW COMES** the above-named Defendants, Monica Lynn Lupiloff, Nicole Renee Lupiloff, and Nicole Renee Lupiloff, as Personal Representative of the Estate of Gary Lupiloff, Deceased, by and through her attorneys, and hereby submits the following Supplemental Answers to Plaintiff Nationwide's Interrogatories, and states as follows:

2). Plaintiff Nationwide's original Complaint, at paragraph 12 contained a typographical error, as did Plaintiff Nationwide's Interrogatories to Defendant Lupiloffs, at Interrogatory #2 and #3. We now recognize that Plaintiff Nationwide's Amended Complaint, filed on 08/03/11, corrected this typographical error and as such, we now recognize that Interrogatory number 2, and number 3, should have had the date of 6/11/07, as the date Nationwide received the change of beneficiary form, as opposed to 06/11/04.

2(c) and 3(c). See attached signature exemplars of Gary Lupiloff. Speckin Forensic Labs was provided both Plaintiffs' Exhibits B and C along with the attached signature exemplars of Gary Lupiloff (See attached).

3) and 4). Under Plaintiff Nationwide's policy provisions, pages 3 to 5, section entitled: Owner and Beneficiary Provisions. The policy language states that any requests for change of ownership must be made in writing and recorded at the home office. For Change of Beneficiary, the policy states that any change of beneficiary must be made in written form satisfactory to us and recorded at our home office. The policy further states under this section, "We may require that you send us your policy for endorsement before making a change".

With respect to the Change of Ownership Request (Exhibit C, attached to Plaintiff's Compliant), Nationwide Home Office does not appear to have approved, signed off, or otherwise endorsed the change request in the section entitled, Home Office Use Only.

With respect to the Change of Beneficiary Request (Exhibit D, attached to Plaintiff's Complaint), Nationwide Home Office appears to have approved by way of a signature acknowledging that the secretary of the company agreed to the change we would contend that such approval was done without any due diligence by Nationwide.

This is what was meant by our previous answers to these specific interrogatories.

Respectfully submitted,  
Fieger, Fieger, Kenney, Giroux & Danzig, P.C.

By:

GEOFFREY N. FIEGER (P30441)  
JEFFREY A. DANZIG (P36571)  
Attorneys for Defendants, Lupiloff, Only  
Southfield, Michigan 48075  
Telephone: (248) 355-5555  
Facsimile: (248) 355-5148 (fax)

Dated: October 7, 2011

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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NATIONWIDE LIFE INSURANCE COMPANY,  
a foreign corporation,

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Southfield, Michigan 48075  
Telephone: (248) 355-5555

**CERTIFICATE OF SERVICE**

I hereby certify that on October 7, 2011, I electronically filed the foregoing Certificate of Service regarding service of Defendants' Supplemental Answers to Plaintiff, Nationwide Life Insurance Company's Interrogatories with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to all counsel of record in this matter.

By: /s/ Jeffrey A. Danzig

Geoffrey N. Fieger (P30441)

Jeffrey A. Danzig

Attorneys for Defendants, Lupiloff

19390 West Ten Mile Road

Southfield, Michigan 48075

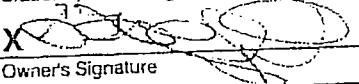
Telephone: (248) 355-5555

j.danzig @fiegerlaw.com

Dated: October 7, 2011.

This registration and your current Certificate of Michigan  
No-Fault Insurance must be carried in the vehicle or  
by the driver.

**Both must be presented upon request of a police officer.**

Commercial Vehicles Only - Signature Required	
If an elected gross vehicle weight is selected, I declare this vehicle will not exceed that weight. I further certify if I operate or employ persons to operate this commercial vehicle, the operator will be knowledgeable of the Federal and State motor carrier safety regulations, including hazardous materials regulations.	
 Owner's Signature	

Present this registration when transferring this license  
plate to another vehicle.

12/08 12:37 248 855-0430

2140 Walnut Lake Road

#1364 P.002 / 004

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION - DETROIT

IN THE MATTER OF:

Gary H. Lupiloff, a/k/a Gary Harmon  
Debtor.

Bankruptcy Case No. 07-65247  
Honorable Thomas J. Tucker  
Chapter 7

George P. Dakmak, Trustee,

Plaintiff.

v.

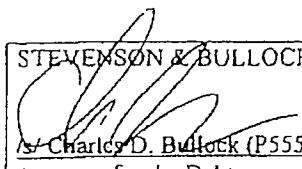
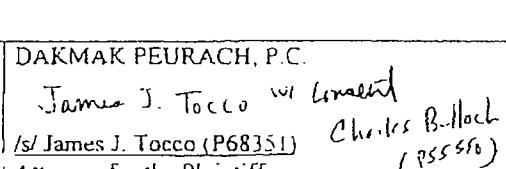
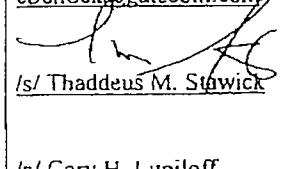
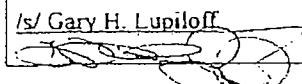
Adversary Case No. 08-04600

Thaddeus M. Stawick and Gary H. Lupiloff,

Defendants.

STIPULATION RESOLVING ADVERSARY PROCEEDING 08-04600

This matter having come before the Court upon stipulation of the parties hereto, and the parties agreeing that this settlement is not an admission by any party or an acknowledgment by any party as to the relative strength or weakness of its position; rather, it is a compromise to resolve the pending litigation; and the parties having represented to the Court that they are in agreement that the Order attached hereto as Exhibit "1" should be entered by the Court.

STEVENSON & BULLOCK, P.L.C.  /s/ Charles D. Bullock (P55550) Attorney for the Debtor 29200 Southfield Road, Suite 210 Southfield, MI 48076 (248) 423-8200 cbullock@gatecom.com	DAKMAK PEURACH, P.C.  /s/ James J. Tocco (P68351) Attomcy for the Plaintiff 615 Griswold St., Suite 600 Detroit, MI 48226 (313)964-0800 jtocco@gdakmak.com
 /s/ Thaddeus M. Stawick	
 /s/ Gary H. Lupiloff	

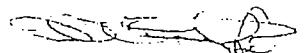
**TRUSTEE'S REQUEST FOR PRODUCTION OF DOCUMENTS**

Pursuant to Fed.R.Bankr. P. 7034 and Fed.R. Civ.P. 34, Plaintiff hereby requests that the Defendant produce for the Plaintiff, at the office of Plaintiff's counsel, within 30 days from the date of service of this request the following documents and things requested:

1. Each and every document that the Defendant identified, referred to, or used to support of any of the answers to Trustee's Interrogatories and Trustee's Request for Admissions.

Response: **To the extent that Defendant has non-privileged documents which are responsive to this specific Request, they are available for inspection and copying at the offices of Stevenson & Bullock, P.L.C., 29200 Southfield Rd., Suite 210, Southfield, MI 48076.**

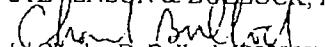
I, Gary H. Lupiloff, have read and provided all of the responses above, state that the same is/are true to the best of my information, knowledge and belief and answer the same under oath.



/s/ Gary H. Lupiloff  
Gary H. Lupiloff, Defendant

Respectfully submitted,

STEVENSON & BULLOCK, P.L.C.

  
/s/ Charles D. Bullock (P55550)  
Attorneys for Defendant  
29200 Southfield Rd., Ste. 210  
Southfield, MI 48076  
(248)423-8200  
[cbullock@gatecom.com](mailto:cbullock@gatecom.com)

Dated: February 23, 2009

b21 (Official Form 21) (12/07)

STATEMENT OF SOCIAL-SECURITY NUMBER OR  
INDIVIDUAL TAXPAYER-IDENTIFICATION NUMBER (ITIN)United States Bankruptcy Court  
Eastern District of MichiganIn re Gary H. Lupilloff  
AKA Gary Harmon

Debtor

Case No. \_\_\_\_\_

Address 2716 Ardmore  
Royal Oak, MI 48073Chapter 7Employer's Tax Identification (EIN) No(s). [if any]:  
Last four digits of Social Security No(s): xxx-xx-9631STATEMENT OF SOCIAL-SECURITY NUMBER(S)  
(or other Individual Taxpayer-Identification Number(s) (ITIN(s)))1. Name of Debtor (enter Last, First, Middle): Lupilloff, Gary, H.  
(Check the appropriate box and, if applicable, provide the required information.)

Debtor has a Social Security Number and it is: 368-64-9631  
(If more than one, state all.)

Debtor does not have a Social Security Number but has an Individual Taxpayer-Identification Number (ITIN), and it is: \_\_\_\_\_  
(If more than one, state all.)

Debtor does not have either a Social-Security Number or an Individual Taxpayer-Identification Number (ITIN).

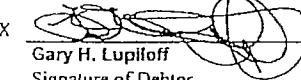
2. Name of Joint Debtor (enter Last, First, Middle): \_\_\_\_\_  
(Check the appropriate box and, if applicable, provide the required information.)

Joint Debtor has a Social Security Number and it is: \_\_\_\_\_  
(If more than one, state all.)

Joint Debtor does not have a Social Security Number but has an Individual Taxpayer-Identification Number and it is: \_\_\_\_\_  
(If more than one, state all.)

Joint Debtor does not have a Social Security Number or an Individual Taxpayer Identification Number (ITIN).

I declare under penalty of perjury that the foregoing is true and correct.

X   
December 11, 2007  
 Date  
 Gary H. Lupilloff  
 Signature of Debtor

X \_\_\_\_\_  
 Signature of Joint Debtor Date

\*Joint debtors must provide information for both spouses.

Penalty for making a false statement: Fine of up to \$250,000 or up to 5 years imprisonment or both. 18 U.S.C. §§ 152 and 3571.

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Best Case Bankruptcy

Revised 01/07

**United States Bankruptcy Court**  
**Eastern District of Michigan**

In re Gary H. Lupilloff

Case No. \_\_\_\_\_

Debtor

Chapter

7

**BANKRUPTCY PETITION COVER SHEET**

(The debtor must complete and file this form with the petition in every bankruptcy case. Instead of filling in the boxes on the petition requiring information on prior and pending cases, the debtor may refer to this form.)

**Part 1**

"Companion cases," as defined in L.B.R. 1071-1(c), are cases involving any of the following: (1) The same debtor; (2) A corporation and any majority shareholder thereof; (3) Affiliated corporations; (4) A partnership and any of its general partners; (5) An individual and his or her general partner; (6) An individual and his or her spouse; or (7) Individuals or entities with any substantial identity of financial interest or assets.

Has a "companion case" to this case ever been filed at any time in this district or any other district? Yes        No X  
 (If yes, complete Part 2.)

**Part 2**

For each companion case, state in chronological order of cases: (Attach supplemental sheets if necessary.)

First Case

Second Case

Third Case

Name on petition

Relationship to this case

Case number

Chapter

Date filed

District

Division

Judge

Status/Disposition

(Pending, confirmed &amp; still open, confirmed &amp; closed, dismissed before/after confirmation, discharged, etc.)

If the present case is a Chapter 13 case, state for each companion case:

Attorney

Legal fee

\$ \_\_\_\_\_\$ \_\_\_\_\_\$ \_\_\_\_\_Proposed legal fee in this case \$ \_\_\_\_\_

Changes in circumstances which lead the debtor to reasonably believe that the current plan will be successful.

**Part 3 - In a Chapter 13 Case Only**

The Debtor(s) certify, re: 11 U.S.C. § 1328(f):

(Indicate which)

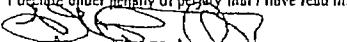
Debtor(s) received a discharge issued in a case filed under Chapter 7, 11, or 12 during the 4-years before filing this case.

Debtor(s) did not receive a discharge issued in a case filed under Chapter 7, 11, or 12 during the 4-years before filing this case.

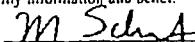
Debtor(s) received a discharge in a Chapter 13 case filed during the 2-years before filing this case.

Debtor(s) did not receive a discharge in a Chapter 13 case filed during the 2-years before filing this case.

I declare under penalty of perjury that I have read this form and that it is true and correct to the best of my information and belief.



Debtor

Debtor  
Gary H. LupilloffDate: December 11, 2007


Debtor's Attorney  
 Marshall D. Schultz P38040  
 Law Offices of Marshall D. Schultz  
 24100 Southfield Road  
 Suite 203  
 Southfield, MI 48075  
 248-559-6930  
 marshallschultz@Ameritech.net

United States Bankruptcy Court  
Eastern District of Michigan

In re Gary H. Lupiloff

Debtor(s)

Case No.  
Chapter 7

**CHAPTER 7 INDIVIDUAL DEBTOR'S STATEMENT OF INTENTION**

I have filed a schedule of assets and liabilities which includes debts secured by property of the estate.

I have filed a schedule of executory contracts and unexpired leases which includes personal property subject to an unexpired lease.

I intend to do the following with respect to property of the estate which secures those debts or is subject to a lease:

Description of Secured Property	Creditor's Name	Property will be Surrendered	Property is claimed as exempt	Property will be redeemed pursuant to 11 U.S.C. § 722	Debt will be reaffirmed pursuant to 11 U.S.C. § 524(c)
2006 Dodge Pick-up	Birmingham Bloomfield Credit Union				X
Location: 2716 Ardmore, Royal Oak MI	CITIFinancial Mortgage				X
Location: 2716 Ardmore, Royal Oak MI	Countrywide Home Loans				X

Description of Leased Property	Lessor's Name	Lease will be assumed pursuant to 11 U.S.C. § 362(h)(1)(A)
-NONE-		

Date December 11, 2007

Signature

  
 Gary H. Lupiloff  
 Debtor

**DECLARATION AND SIGNATURE OF NON-ATTORNEY BANKRUPTCY PETITION PREPARER (See 11 U.S.C. § 110)**  
 I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h) and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required by that section.

Printed or Typed Name and Title, if any, of Bankruptcy Petition Preparer  
 If the bankruptcy petition preparer is not an individual, state the name, title (if any), address, and social security number of the officer, principal, responsible person, or partner who signs this document.

Social Security No. (Required by 11 U.S.C. § 110.)

Address

X

Signature of Bankruptcy Petition Preparer

Date

Names and Social Security numbers of all other individuals who prepared or assisted in preparing this document, unless the bankruptcy petition preparer is not an individual:

If more than one person prepared this document, attach additional signed sheets conforming to the appropriate Official Form for each person. A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.

Best Case Bankruptcy



MICHIGAN REGISTRATION

TERRI LYNN LAND  
Secretary of State

Plate: BTU5466 Expires: 11/29/2010

RENEWAL TRANSFER

2000 JAGUAR 4 DOOR

Vehicle No.: SAJDA01D6YGL13008

Fee Cat. or Wt.: 000048

L 141 271 298 911

County: OAKLAND

GARY HARMON LUPILOFF  
2716 ARDMORE AVE  
ROYAL OAK MI 48073



BTU5466 G

License Fee: 185.00

12162009 CN X350 185 0119 500.00

TR-1

This registration and your current Certificate of Michigan  
No-Fault Insurance must be carried in the vehicle or  
by the driver.

Both must be presented upon request of a police officer.

Commercial Vehicles Only - Signature Required

If an elected gross vehicle weight is selected, I declare this vehicle  
will not exceed that weight. I further certify if I operate or employ  
persons to operate this commercial vehicle, the operator will be  
knowledgeable of the Federal and State motor carrier safety  
regulations, including hazardous materials regulations.

  
Owner's Signature

Present this registration when transferring this license  
plate to another vehicle.